

Reference is made to the following documents:

D1: WO 02/078382

D2: EP-A-1 148 754

D3: Vodafone "Introduction of LCS QoS Class"; 3GPP TSG-SA2 Meeting #34, Tdoc S2-032977; pages 1 to 27;  
XP002311151

**A. Item V**

**Substantiated finding with respect to novelty, inventive step and industrial applicability; documents and statements to support this finding**

1. Claim 1 contains several and/or combinations which are to be understood as alternatives of the claimed invention within claim 1. For the present examination, the alternative which refers to the features for establishing a direct communication between two mobile radio communication devices will first of all be selected.

1.1 **Document D1** (compare in particular the Abstract; page 1, lines 6 to 12; page 3, lines 11 to 19; page 4, lines 15 to 17; page 6, lines 27 to 35; page 8, lines 29 to 39; page 10, lines 5 to 18, Figures 1, 2, 4) discloses, so as to be consistent with **all** features of **claim 1**, a method for determining the local position of at least one mobile radio communication device which is to be located, in at least one radio cell of a radio communication system (see in particular page 3, lines 11 to 15; "1, 2" in Fig. 2), wherein at least one further mobile radio communication device, which is situated in the same radio cell or in a different radio cell, and the current local position of which is known to said device itself or to the radio

network of the radio communication system, transmits position information by means of one or more radio communication signals via a direct radio connection to the radio communication device which is to be located (see in particular page 6, lines 27 to 29; page 5, lines 19 to 23; "P1, P2" in Fig. 1 and 2).

The subject matter of claim 1 is therefore not novel, Article 33(2) PCT.

1.2 In an alternative, the subject-matter of claim 1 shows that position information is transmitted via an indirect radio connection with the aid of the radio network to the radio communication device which is to be located.

The object that is to be achieved with the above alternative can thus be seen in transmitting the information required for position determination to the radio communication device which is to be determined if the distance for direct radio communication is too great.

In the search for a solution to the transmission of position information of a radio communication device which is to be located, the person skilled in the art would arrive at document D2 (see in particular the Abstract; col. 1, lines 3 to 10; col. 2, lines 24 to 32; col. 4, lines 2 to 11; col. 5, lines 9 to 18; Fig. 1, 3) as its disclosure already teaches the transmission of position information via an indirect radio connection with the aid of the radio network to the radio communication device which is to be located (see in particular col. 5, lines 9 to 18; Fig. 1).

The subject matter of the second alternative of claim 1 is therefore not inventive, Article 33(3) PCT.

2. The findings made in Section 1 with respect to claim 1 apply equally to **independent claims 13 and 14** as these, in the form of claims for a radio communication device (claim 13) and a radio communication system (claim 14), are based on the same combination of features as claim 1.

Claims 13 and 14 are therefore not novel (Article 33(2) PCT) or inventive (Article 33(3) PCT).

3. **Dependent claims 2 to 12** do not contain any additional features either which, in combination with the features of any claim to which they are respectively appended, could lead to a subject-matter based on an inventive step as the features of these claims are merely developments of the method in claim 1, which can be derived **either in principle** directly from D1 (Abstract; page 1, lines 6 to 12; page 3, lines 11 to 19; page 4, lines 15 to 17; page 6, lines 27 to 35; page 8, lines 29 to 39; page 10, lines 5 to 18; Fig. 1, 2, 4) or from D2 (for claim 2; cf. col. 5, lines 9 to 11; "A" in Fig. 3) or from document D3 (for claims 6 and 7; cf. page 8, line 21 [requested Quality of Service information, i.e. **accuracy, response time** ...]), or constitute generally known configuration variants for the person skilled in the art of position determining of mobile devices in mobile radio systems.

Therefore dependent claims 2 to 12 do not satisfy the requirements of Article 33(3) PCT.

**Additional findings:**

1. Contrary to the requirements of Rule 6.3 b) PCT, no independent claim has been composed in the two-part form, wherein the features, known in combination with each other from the state of the art (document D1), should be summarized (Rule 6.3 b) i) PCT) in the preamble, and the remaining features should be stated in the characterizing part (Rule 6.3 b) ii) PCT).

2. Contrary to the requirements of Rule 5.1 a) ii) PCT, documents D1 and D2 are not cited in the description nor has their relevant state of the art been outlined.